

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MORRIS SMITH,

Plaintiff,

v.

DEPUTY WARDEN HOOVER, *et al.*,

Defendants.

No. 4:18-CV-00464

(Judge Brann)

ORDER

NOVEMBER 25, 2020

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendants' motion for judgment on the pleadings and for summary judgment, Doc. 45, is **GRANTED**;
2. The Clerk of Court is directed to **ENTER JUDGMENT** in favor of Defendants and as against Plaintiff on the Fourteenth Amendment conditions of confinement claim in the complaint;
3. The remainder of Plaintiff's complaint, Doc. 1, is **DISMISSED WITHOUT PREJUDICE**;
4. Plaintiff shall within thirty (30) days from the date of this Order file an amended complaint that addresses the deficiencies identified in the Court's Memorandum Opinion. Failure to comply will be deemed

abandonment of this action, and Plaintiff's action will be subject to dismissal with prejudice without further warning.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge